



Office for Democratic Institutions and Human Rights

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

PRESIDENTIAL AND EARLY PARLIAMENTARY ELECTIONS 13 and 27 April 2014

OSCE/ODIHR Election Observation Mission
Final Report



Warsaw
15 July 2014

TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	1
II.	INTRODUCTION AND ACKNOWLEDGEMENTS.....	3
III.	POLITICAL BACKGROUND.....	4
IV.	LEGAL FRAMEWORK AND ELECTORAL SYSTEM	5
	A. LEGAL FRAMEWORK	5
	B. ELECTORAL SYSTEM	6
V.	ELECTION ADMINISTRATION.....	7
VI.	VOTER REGISTRATION.....	9
VII.	CANDIDATE REGISTRATION.....	11
VIII.	ELECTION CAMPAIGN.....	12
IX.	CAMPAIGN FINANCE.....	15
X.	MEDIA	16
	A. MEDIA ENVIRONMENT	16
	B. LEGAL FRAMEWORK	17
	C. MEDIA MONITORING RESULTS.....	18
XI.	COMPLAINTS AND APPEALS	19
XII.	CITIZEN AND INTERNATIONAL OBSERVERS	21
XIII.	ELECTION DAY	22
	A. FIRST ROUND OF VOTING	22
	B. SECOND ROUND OF VOTING	22
	C. TABULATION AND ANNOUNCEMENT OF RESULTS	24
XIV.	POST-ELECTION DAY COMPLAINTS AND APPEALS.....	25
XV.	RECOMMENDATIONS	25
	A. PRIORITY RECOMMENDATIONS	25
	B. OTHER RECOMMENDATIONS	26
	ANNEX: FINAL RESULTS.....	29
	ABOUT THE OSCE/ODIHR.....	30

**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
PRESIDENTIAL AND EARLY PARLIAMENTARY ELECTIONS
13 and 27 April 2014**

OSCE/ODIHR Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the Ministry for Foreign Affairs, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) for the 13 and 27 April 2014 presidential and 27 April early parliamentary elections. The OSCE/ODIHR EOM assessed compliance of the electoral process against OSCE commitments and other international obligations for democratic elections, as well as national legislation. For election day observation on 13 April, the OSCE/ODIHR EOM joined efforts with a delegation from the Parliamentary Assembly of the Council of Europe (PACE). For election day observation on 27 April, the OSCE/ODIHR EOM was joined by delegations from the OSCE Parliamentary Assembly (OSCE PA) and PACE.

As reflected in the two Statements of Preliminary Findings and Conclusions released after each round, the presidential and early parliamentary elections were efficiently administered, including on election day. Candidates were able to campaign without obstruction and freedoms of assembly and association were respected. However, the elements of the campaign indicated an inadequate separation between party and state activities, which is at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document and other international obligations for democratic elections. Allegations of voter intimidation persisted throughout the campaign, while the governing ethnic-Albanian party appealed to ethnic-Albanian voters not to vote in the presidential election, raising concerns about voters' ability to cast their vote "free of fear of retribution" as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.

A number of Electoral Code provisions were amended in January 2014 addressing some prior OSCE/ODIHR recommendations. While it is not a good practice to amend fundamental aspects of the legal framework one year before an election, the recent amendments enjoyed cross-party consensus and were passed after public consultation. However, inconsistencies and ambiguities remain, including a lack of clarity in the definition of campaigning, the length of the campaign, and the misuse of state resources during the campaign, as well as undue restrictions on the right to file complaints. In addition, the 40 per cent turnout requirement in the second round of the presidential election could potentially lead to cycles of failed elections.

The president is directly elected by popular vote under a majoritarian system. One hundred and twenty members of parliament were elected under a proportional representation system, with three members elected under a majoritarian system in three out-of-country constituencies. The uneven distribution of voters in the out-of-country constituencies and the imbalance between the numbers of voters in the in-country and out-of-country constituencies does not fully ensure the equality of the vote as provided for by the Constitution and paragraph 7.3 of the OSCE 1990 Copenhagen Document.

¹ The English version of this report is the only official document. Unofficial translations are available in the Macedonian and Albanian languages.

The State Election Commission (SEC) met the majority of electoral deadlines and held regular sessions, but continued to be divided along party lines on all politically contentious issues. The SEC did not communicate effectively with lower-level election commissions on several issues causing confusion regarding some of the procedures. Despite this, and the initial lack of funding provided by the SEC, the Municipal Election Commissions (MECs) carried out their duties in a professional and transparent manner.

During the electoral process, the SEC issued several instructions in an attempt to regulate the overlapping campaign for the two elections. While the SEC has the responsibility to clarify aspects of the electoral legislation, its legal authority to effectively amend key components of the law is questionable.

There were two separate voter lists for these elections: 1,779,572 voters were registered for the presidential election and 1,780,128 for the early parliamentary elections. Verified concerns were raised by a number of OSCE/ODIHR EOM interlocutors with regard to the accuracy of the voter lists, particularly regarding the large numbers of voters registered at the same address. The many government agencies involved in the creation of voter lists, their overlapping responsibilities, and the lack of a centralized electronic database for which different agencies can update records make voter lists compilation problematic and complicated.

Candidate registration was inclusive and provided voters with distinct choices. The SEC registered nine political parties and five coalitions to run in the early parliamentary elections, and four candidates for the presidential election. However, the residency requirement for presidential candidates can be considered excessive and contrary to OSCE commitments and international obligations.

Legal measures to enhance women's participation were respected, including a 30 per cent representation criteria in the election administration bodies. Every third candidate on the parliamentary candidate lists was reserved for the less represented gender. However, women were generally underrepresented in rallies observed by the OSCE/ODIHR EOM, and gender issues were not raised in campaign programmes.

The campaign was lively with a large number of rallies and posters. All candidates were able to campaign without obstruction. A significant advantage in resources meant that the governing Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity and the party's presidential candidate dominated both campaigns. While candidates' rhetoric was mostly moderate, accusations of personal corruption and instances of inflammatory language took the focus away from concrete issues and party platforms. Allegations of voter intimidation by parties and state authorities persisted throughout the campaign.

During the campaign, parties and candidates increasingly appealed to their respective ethnic communities. One ethnic-Macedonian presidential candidate also engaged in outreach to the ethnic-Albanian community by speaking and displaying promotional campaign materials in Albanian at events in ethnic Albanian areas. The principle of equitable ethnic representation in the election administration was respected at all levels.

Campaign finance regulations provide a clear framework for permitted contributions and expenditures, as well as reporting. However, oversight by the State Audit Office is limited to

auditing the information that is submitted to them by electoral contestants, and the body does not have the means to investigate whether that information is accurate or complete. Alongside weak sanctioning powers, this undermines the accountability of campaign finance.

Despite a large number of media outlets, many OSCE/ODIHR EOM interlocutors alleged the indirect control of the governing party over the media because of the state's dominance in the advertising market. OSCE/ODIHR EOM media monitoring showed that the majority of monitored media was largely biased in favour of one ruling party and its presidential candidate and mainly negative against the main opposition party and its candidate. The public broadcaster did not provide balanced and equal coverage to all candidates and parties, thus challenging paragraph 7.8 of the 1990 OSCE Copenhagen Document. The failure of the media to distinguish between the coverage of state officials in their capacity as ministers and as candidates contributed to the blurring of the line between state and party.

A lack of deadlines for courts to resolve various types of election-related cases combined with a limited right of voters to legal redress at every stage of the electoral process does not guarantee effective remedy as required by paragraph 5.10 of the 1990 OSCE Copenhagen Document. In addition, some decisions of administrative bodies may not be appealed. Together, this makes the electoral dispute resolution mechanism ineffective.

Both election days were conducted in a smooth, transparent and professional manner with only limited technical irregularities observed. Election Boards demonstrated a good knowledge of voting procedures. However, as a consequence of the boycott by the Democratic Union for Integration, in some ethnic-Albanian areas, the OSCE/ODIHR EOM observed that EB members discouraged voters from taking a presidential ballot on 27 April, thereby putting in question the impartiality of the election administration. The preliminary results of both rounds of voting were posted on the SEC website as they were received, with a breakdown of the vote by municipality and polling station, which is an important transparency measure. After the completion of voting on 27 April, the main opposition party, the Social Democratic Union of Macedonia, announced that it would not recognize the results of either election nor take up their parliamentary mandates.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Ministry of Foreign Affairs, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 10 March 2014 for the 13 and 27 April presidential and 27 April early parliamentary elections. The EOM was headed by Ambassador Geert-Hinrich Ahrens and consisted of 11 experts based in Skopje and 20 long-term observers deployed throughout the country. Mission members were drawn from 17 OSCE participating States.

For election day observation on 13 April, the OSCE/ODIHR EOM joined efforts with a delegation from the Parliamentary Assembly of the Council of Europe (PACE) led by Stefan Schennach. In total, there were 42 observers deployed from 23 OSCE participating States, including 27 long-term observers and experts from the OSCE/ODIHR and 15 parliamentarians and staff from PACE. Due to the lack of secondments of short-term observers, the OSCE/ODIHR was not in a position to conduct the envisaged systematic and comprehensive

observation of election day proceedings for the 13 April first round of the presidential election through the deployment of short-term observers.

For election day observation on 27 April, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly (OSCE PA) and PACE. Christine Muttonen was appointed by the OSCE Chairperson-in-Office as Special Coordinator to lead the short-term OSCE observer mission. Isabel Santos headed the OSCE PA delegation and Stefan Schennach headed the PACE delegation. In total, there were 252 observers deployed from 32 OSCE participating States, including 206 long-term and short-term observers from the OSCE/ODIHR, as well as 31 parliamentarians and staff from the OSCE PA and 15 from PACE.

The OSCE/ODIHR EOM assessed compliance of the electoral processes against OSCE commitments and other international obligations for democratic elections, as well as national legislation. This final report follows Statements of Preliminary Findings and Conclusions released after both election days at press conferences in Skopje on 14 and 28 April 2014.²

The OSCE/ODIHR EOM wishes to thank the authorities for the invitation to observe the elections, as well as the State Election Commission (SEC), the Ministry of Foreign Affairs, other state and local authorities, political parties, media, and civil society representatives for their assistance and co-operation. The mission also wishes to express appreciation to the OSCE Mission to Skopje and to the diplomatic representations of OSCE participating States for their co-operation and support.

III. POLITICAL BACKGROUND

The former Yugoslav Republic of Macedonia is a parliamentary republic, with legislative powers vested in the 123-member unicameral parliament and executive powers exercised by the government, led by the prime minister. Members of parliament are elected for a four-year term. The head of state is the president, who is directly elected for a five-year term.

In line with constitutional and legal provisions, the 13 April presidential election was announced on 1 February with a possible second round scheduled for 27 April. Afterwards, the parliament was dissolved on 5 March at the initiative of the Democratic Union for Integration (DUI), and the third successive early parliamentary elections were set for 27 April, concurrently with the second round of the presidential election.

The previous parliamentary elections took place on 5 June 2011 and resulted in a government led by a coalition of the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE) with 56 seats and the ethnic-Albanian DUI with 15 seats. Opposition parliamentary parties include the Social Democratic Union of Macedonia (SDSM) with 42 seats, the Democratic Party of Albanians (DPA) with 8 seats and National Democratic Revival (NDR) with 2 seats. In the outgoing parliament, 33 per cent were women.

² All previous OSCE/ODIHR reports on the former Yugoslav Republic of Macedonia are available at: <http://osce.org/odihr/elections/fyrom>.

The incumbent, President Gjorge Ivanov, who is affiliated with the VMRO-DPMNE, ran for a second term. He was challenged by Stevo Pendarovski, affiliated with the opposition SDSM; Iljaz Halimi, the only ethnic-Albanian candidate, affiliated with the DPA; and Zoran Popovski, affiliated with the recently-formed Citizens Option for Macedonia (GROM).

The DUI boycotted both rounds of the presidential election and called on its supporters not to vote, citing the failure of its coalition partner VMRO-DPMNE to nominate a consensual presidential candidate who would represent both the ethnic-Macedonian and ethnic-Albanian communities.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

A. LEGAL FRAMEWORK

Elections are regulated by the Constitution and the Electoral Code. The Electoral Code was last amended on 24 January 2014, and addressed some prior OSCE/ODIHR recommendations. While it is not a good practice to amend the fundamental elements of the legal framework less than one year before an election,³ the latest amendments enjoyed cross-party consensus.⁴ These amendments included the introduction of some safeguards for the separation of party and state, including initiation of government projects during an election period; clarification of party and campaign finance regulations; greater rights for political parties to inspect and request changes in voter lists; revised deadlines for courts to decide on media offences; and for the SEC and the State Commission for the Prevention of Corruption (SCPC) to forward cases to the courts.

However, several inconsistencies, gaps and deficiencies remain unaddressed in the law. This included a lack of clarity in the definition of campaigning, the length of the campaign, and the misuse of state resources during the campaign, as well as undue restrictions on the right to file complaints and the lack of legal deadlines and avenues for appeal of some types of electoral complaints.⁵ During the electoral process, the SEC issued several instructions in an attempt to regulate the overlapping campaign for the two elections, as well as other issues.⁶ For example, on 7 March, the SEC unanimously decided to start the parliamentary campaign two days earlier than the legal date with a two-day interruption during the campaign silence for the presidential election. While the SEC has the responsibility to clarify aspects of the electoral legislation, its legal authority to effectively amend key components of the law is questionable.

The Electoral Code should be amended to address the gaps and ambiguities identified in this report, as well as previous reports of the OSCE/ODIHR and the Venice Commission. Reform should be inclusive and completed well in advance of the next elections.

³ Section II.2.b of the 2002 Council of Europe's Commission for Democracy through Law (Venice Commission) Code of Good Practice in Electoral Matters recommends that "the fundamental elements of electoral law...should not be open to amendment less than one year before an election."

⁴ Amendments were passed with 69 votes, including from the VMRO-DPMNE, DUI and SDSM.

⁵ See the OSCE/ODIHR and Venice Commission Joint Opinion on the Electoral Code of the former Yugoslav Republic of Macedonia, No. 640/2011, CDL-AD(2011)027.

⁶ The SEC also advised voters that they could vote in either both or only one of the elections taking place.

In addition, legal safeguards for the separation of party and state remain insufficient.⁷ The legal requirement for state officials to perform only technical duties when running as candidates was repealed in the 2014 amendments to the Electoral Code. With almost half of all ministers standing as candidates for the governing parties, this represented a setback to the prevention of abuse of state resources and possible conflicts of interest between the official activities of ministers and their roles as candidates.

As an exception, Article 9 of the Electoral Code requires that “authorized officials” of the Ministry of Internal Affairs (MoIA) and the Ministry of Defense temporarily cease their government duties once they have been confirmed as candidates.⁸ This provision is intended to prevent the abuse of state resources and to avoid conflicts of interests that are inherent in the dual role of being an official in a key ministry as well as a candidate during an election period. This provision is especially relevant to the Interior Minister who has authority over key aspects of the electoral process, including the composition of voter lists and investigation of electoral offences. Despite this legal provision, the Interior Minister did not cease her government duties while running as a candidate.

Existing legislative safeguards in the Electoral Code should be interpreted in a way to prevent potential conflicts of interest between executive government positions requiring neutrality and candidates pursuing political advantage. Such provisions should be expanded to include enforcement mechanisms.

B. ELECTORAL SYSTEM

The president is directly elected by popular vote under a majoritarian system. The same person cannot stand for the presidency more than twice. To be elected in the first round, a candidate must receive the majority of votes of all registered voters. If no candidate meets this requirement, a second round is held two weeks later between the two candidates who received the highest number of votes. In the second round, the candidate who receives the most votes is elected, provided that there is a turnout of at least 40 per cent of registered voters. Otherwise, the entire election process is repeated. The OSCE/ODIHR and the Venice Commission have previously criticized this requirement as it could lead to cycles of failed elections.⁹

The 40 per cent turnout requirement for the second round could be reconsidered and removed since it has the potential to lead to cycles of failed elections.

⁷ Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for “a clear separation between the State and political parties; in particular, political parties will not be merged with the State.”

⁸ Article 32 of the 2006 Law on Internal Affairs states that “the Minister, Deputy-Minister, State Secretary, the director of the Public Safety Bureau, the director of the Directorate for Security and Counterintelligence and employees in management positions in the MoIA have the status of authorized officials.” The government responded to the OSCE/ODIHR EOM that the minister does not technically work for the ministry and therefore is not covered by this article of the electoral code.

⁹ The 2013 Joint Opinion of the OSCE/ODHIR and the Venice Commission on the Electoral Code noted that “the current threshold of 50 per cent registered voters (not of votes cast) to win the presidential election in the first round remains disproportionate and could result in a second round even when one candidate defeats all other candidates by a large margin. The continuation of a voter turnout requirement for a second round (requiring a majority of votes with a threshold of 40 per cent of registered voters) could lead to cycles of failed elections.”

Of the 123 members of parliament, 120 are elected under a proportional representation system from 6 electoral constituencies. The remaining three members are elected under majoritarian contests from three out-of-country constituencies representing voters in Europe and Africa, North and South America, and Australia and Asia.¹⁰ The uneven distribution of voters in the out-of-country constituencies and the imbalance between the numbers of voters in the in-country and out-of-country constituencies do not fully ensure equality of the vote as provided for by Article 22 of the Constitution and paragraph 7.3 of the 1990 OSCE Copenhagen Document.¹¹ While special circumstances, including geographical factors, are recognized as a permissible departure from the equality of the vote, any deviation should be minimal. The Electoral Code provides for a five per cent deviation among in-country constituencies, however, contrary to good electoral practice, out-of-country constituencies are excluded from any requirements.¹²

The current system of allocation of mandates in out-of-country electoral constituencies should be reviewed in order to ensure that each member of parliament represents a similar number of registered voters and that the principle of equal suffrage is respected.

V. ELECTION ADMINISTRATION

The presidential and early parliamentary elections were administered by a three-level election administration: the SEC, 80 Municipal Election Commissions (MECs), 3,480 Election Boards (EBs) established in-country and 34 EBs in diplomatic and consular offices (DCOs) abroad. The Electoral Code provisions for equitable ethnic and gender representation in the election administration were respected at all levels.¹³

The SEC is a permanent body responsible for the overall conduct of elections. It is composed of seven members appointed by the parliament with a two-thirds majority for four-year terms.¹⁴ The SEC president and two members are nominated by opposition parties, and the vice-president and three members are nominated by the governing parties.

In general, the SEC sessions were open to accredited observers and to the media, with a few exceptions.¹⁵ Minutes of the sessions were published on the SEC website within 48 hours, in

¹⁰ For out-of-country constituencies, 18,911 voters were registered in district 7 covering Europe and Africa, 3,337 were registered in district 8 covering North and South America, and 1,534 were registered in district 9 covering Australia and Asia. For in-country constituencies, the average number of registered voters for each elected candidate was approximately 14,600.

¹¹ Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that the participating States should “guarantee universal and equal suffrage to adult citizens.” In addition, the 2011 Joint Opinion of the OSCE/ODIHR and the Venice Commission noted that “the introduction of a different electoral system for out-of-country voting from the one used in-country does not seem to be justified.”

¹² Section I.2.2 of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “seats must be evenly distributed between the constituencies... The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances.”

¹³ According to Article 21 of the Electoral Code, ethnic communities that constitute more than 20 per cent of the population in a municipality should be represented in the MECs and EBs, while at least 30 per cent of members in all election bodies should come from each gender.

¹⁴ The current SEC was appointed on 26 April 2011. A new SEC president was appointed on 21 November 2013 after the former president resigned.

¹⁵ The SEC held an unannounced session on 30 March, when they rejected 639 applications for out-of-country voting. Sessions no. 79, 80, 81, 83, 85, 88, 94 and 98 were also unannounced.

line with a previous OSCE/ODIHR recommendation. However, several sessions were marked by a lack of collegiality, with members often making long political interventions and voting along party lines on complaints involving politically contentious issues rather than the merits of cases.¹⁶ This negatively impacted on SEC members' responsibility to act independently, as required by Article 19(1) of the Electoral Code.

The SEC should resolve all complaints and appeals in an impartial manner, free from political considerations. The law should be interpreted, implemented, and enforced in line with the intent of the law. In addition, the SEC should consider establishing a legal department, as provided for by the Electoral Code.

The SEC met most of the legal deadlines for electoral preparations. Despite the closure of the voter list for the parliamentary elections eight days after the legal deadline, the printing of ballots and voter list excerpts was concluded on time. The SEC was assisted by a secretariat, which seemed to lack the resources to manage two different elections simultaneously. This was reflected in communication problems between the SEC and MECs on the clarity of SEC instructions, with many MECs informing the OSCE/ODIHR EOM that they did not receive timely responses to their inquiries from the SEC.

Consideration should be given to enhancing the resources of the SEC secretariat to ensure it has sufficient capacity to undertake its duties in an efficient manner.

The SEC provided written instructions to the MECs and EBs on a number of procedures, including the registration for homebound voters, voters under house arrest, and voters with special needs, as well as the duties of citizen observers, and the complaints process. Several of these instructions restricted or contradicted Electoral Code provisions.¹⁷

The voter education campaign conducted by the SEC did not provide information on some important aspects of the electoral process for both the presidential and the early parliamentary elections. In particular, the voter education campaign did not adequately cover the new rules on how to apply for homebound voting, nor did it inform voters that they could choose whether or not to vote in both elections on 27 April. The OSCE/ODIHR has previously recommended that the SEC provide more voter information and education.

The MECs are responsible for administering elections in their respective municipality, including appointing and training EBs and tabulating municipal election results. The MECs are composed of a president, four members and their deputies and are appointed for five-year terms. Members

¹⁶ Among the contentious issues discussed by the SEC were the following: acceptance of party logos next to the names of presidential candidates on the ballot, accusations of early campaigning, allegations of interference by the Ministry of Foreign Affairs in the work of the EBs in the DCOs, requests to the MoIA to verify records from the voter lists, and homebound voter registration procedures.

¹⁷ Article 111(1) of the Electoral Code specifies that a "voter who is unable to vote at the polling station (incapacitated or ill person)... shall notify the MEC, with no requirement to submit a medical certificate or that the person have any particular ailment in order to apply." The SEC instruction on registration of homebound voters issued on 27 February 2014 specified a list of diseases to qualify as a homebound voter. Voters also had to register and attach original medical certificates or proof of home care. Another SEC instruction defined the ballot invalid if marked with a pen of a different color than blue, contrary to provisions of article 115 of the Electoral Code.

are randomly selected by the SEC from state and municipal administration employees with a university education. Each MEC is assisted by a secretary and a deputy appointed by the MEC president from among members that have law degrees. All MEC members and their deputies must reside in the respective municipality. The SEC conducted two training sessions for the MECs on 5 and 26 March.

Most of the MECs had financial problems as the SEC did not provide the necessary funds for the administration of the elections in a timely manner, resulting in some MECs expending their personal funds or operating on credit. However, the lack of funds did not interrupt the preparation of the elections. In line with previous OSCE/ODIHR recommendations, the MECs conducted a comprehensive training for all EBs prior to the first round of the presidential election, followed by selective training of EB presidents before the 27 April election day. The OSCE/ODIHR EOM assessed the MECs as experienced, professional and transparent.

EBs are responsible for the conduct of election day procedures at polling stations. The EBs are formed using a mixed professional-political model with one member nominated by the governing political parties, one by the opposition parties, and three members randomly selected from public service employees. EBs are similarly formed for polling stations opened in DCOs abroad, with the president nominated from among the diplomats employed in in the respective DCO. The Electoral Code was amended with a provision that requires EB presidents to hold a university degree and members to have a high school education. For some MECs, this created difficulties in identifying the required number of qualified staff in smaller villages, but the provision was assessed as having an overall positive impact on the work of the EBs.

VI. VOTER REGISTRATION

Citizens who are over 18 years of age on election day, have residency in the respective electoral district, have a valid biometric identification card (ID) or passport and have not been deprived of their legal capacity by a court decision, are included in the voter lists for in-country voting. Although the Constitution does not require a citizen to have residency in-country in order to be an eligible voter, the Electoral Code stipulates that only citizens with in-country residency are to be included in the voter lists. Some OSCE/ODIHR EOM interlocutors noted that the requirement to possess a valid ID card or passport in order to be registered was unreasonable.¹⁸

Voter registration is passive and the SEC maintains voter lists based on information it receives from the MoIA, which issues biometric IDs and passports based on records of citizenship and residency. This information is provided to the SEC the day after the announcement of the elections. On the same date, the Basic Courts submit data to the SEC about citizens deprived of their legal capacity by a final court decision. In addition, the Ministry of Justice provides regular information about deceased people to the MoIA, which is then forwarded to the SEC. The subsequent division of the voter lists into polling station excerpts is undertaken by the State Statistical Office. The many agencies involved in the creation of the voter lists, their

¹⁸ Paragraph 11 of General Comment No. 25 (1996) to Article 25 of the ICCPR by the UN Human Rights Committee states that “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.”

overlapping responsibilities, and the lack of a centralized electronic database for which different agencies can update records makes voter lists compilation problematic and complicated.

Consideration should be given to conducting a review of the procedures for compiling and maintaining voter lists. Clear, co-ordinated, and transparent procedures for all institutions involved in updating the voter lists would enhance accuracy and could contribute to public confidence.

Voters could inspect the voter lists online or in one of 34 SEC regional offices and request additions, deletions or amendments throughout the year until 10 days prior to election day.¹⁹ As presidential and parliamentary elections were announced on different dates, the deadlines for public scrutiny and for closing the voter lists were different for each election.²⁰ This resulted in two separate voter lists with 1,779,572 citizens registered to vote in the presidential election and 1,780,128 in the early parliamentary elections.

Voter lists for out-of-country voting are created based on the active registration by citizens who are already registered with the MoIA as temporarily living or working abroad. This is different than in-country procedures, where voters do not need to register. Out of some 83,500 citizens registered with the MoIA as temporarily working or residing abroad, 8,332 registered to vote in the presidential election and 23,782 in the early parliamentary elections.

Concerns about the accuracy of voter lists were raised by several OSCE/ODIHR EOM interlocutors, particularly with respect to large numbers of voters residing at the same address. The DUI and the SDSM filed complaints with the SEC requesting the deletion of voters from voter lists who allegedly lived at fictitious addresses (See, *Complaints and Appeals Section*).²¹ The SEC requested that the MoIA, which maintains the population database, investigate these claims. However, the MoIA stated that it was not their responsibility to verify these allegations. The lack of procedural rules and a specified state agency to investigate challenges to the voter lists undermines effective implementation and public confidence.

The Electoral Code should be revised to provide a clear division of responsibilities between the MoIA and the SEC related to challenges to voter lists. Authorities should be obliged by law to investigate such challenges within a reasonable timeframe.

According to the law, incapacitated or ill voters unable to travel to polling stations could vote at home after notifying the MEC. The SEC issued an instruction according to which potential homebound voters had to submit formal registration requests with attached medical records or proof of home care. Several OSCE/ODIHR EOM interlocutors stated that this represented an unreasonable obstacle for the registration of voters with reduced mobility. The OSCE/ODIHR

¹⁹ Approximately 73,400 people checked their registration in the voter lists for presidential election and 11,544 for the parliamentary elections at the offices of the SEC offices.

²⁰ The legal deadline for closing the voter list for the presidential election was 22 March and for the voter list for the parliamentary elections was 9 April.

²¹ Article 49-a (2) of the Electoral Code says that “within five days from the receipt of the voter list, political parties shall submit a request to the SEC for entering, adding or deleting data.” The Electoral Code is silent about the type of evidence political parties must submit, while the SEC has no legal authority to check the accuracy of data received from the MoIA. That is why, in the absence of any information from the MoIA, all complaints filed under this article were rejected as lacking supporting evidence.

EOM observed inconsistencies in how MECs followed this instruction. Most of the requests were submitted to MECs by political parties acting as proxies. Voters in hospitals who were unable to travel to their polling station could vote only if they registered as homebound.

While ensuring that strict requirements are maintained to qualify for alternative voting methods, consideration could be given to simplifying procedures so as to allow hospitalized voters, homebound voters, and those with reduced mobility to exercise their right to vote without unreasonable obstacles.

VII. CANDIDATE REGISTRATION

The right to stand as a presidential candidate is granted to citizens who have the right to vote, are at least 40 years old and have lived in the country for at least 10 of the last 15 years. This residency requirement can be considered excessive and disproportionate with regards to the principle of equality, challenging paragraph 24 of the 1990 OSCE Copenhagen Document and other international obligations.²²

It is recommended to lift the residency requirement to be a presidential candidate.

Nominations for the presidential election had to be supported by 10,000 signatures of registered voters or 30 members of parliament. Voters had to sign in support of a candidate in front of a SEC representative in one of the regional SEC offices.²³ A voter can only sign for one candidate. Two nominees, who failed to collect the required number of signatures, alleged that requiring supporters to provide signatures in front of a state official was intimidating and that the number of required signatures was unduly high.²⁴ Neither of these nominees filed an official complaint.²⁵

Consideration could be given to providing alternative methods for signature collection in order to reduce the potential for intimidation. In line with previous recommendations, the restriction that citizens may sign for only one candidate could be reconsidered.

The SEC registered four presidential candidates. Although all four contestants chose to register as independent candidates, each was supported by an individual party and received assistance, including funding, during their campaigns. The SEC also approved the use of party logos for each candidate on the ballot.

²² Paragraph 24 of the 1990 OSCE Copenhagen Document provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law.” In addition, paragraph 15 of the 1996 United Nations Human Rights Committee (UNHRC) General Comment No. 25 to the ICCPR provides that “persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation.”

²³ The SEC opened a SEC regional office in each of the 80 municipalities, in order to expedite the process.

²⁴ Section I.1.3 of the 2002 Venice Commission Code of Good Practice in Electoral Matters provides that the “law should not require collection of the signatures of more than 1% of voters in the constituency concerned.”

²⁵ These were Stojanče Angelov, chairperson of the *Dostoinstvo* (Dignity) party, and Biljana Vankovska, independent candidate.

Parliamentary elections can be contested by candidates nominated by political parties, coalitions of political parties, or by independent candidates nominated by groups of voters. All citizens with voting rights were eligible to stand as candidates in the parliamentary elections, except those who were serving prison sentences of at least six months for criminal offences.

Fourteen political parties and coalitions submitted lists of candidates for parliamentary elections. All ethnic-Albanian parties ran separately, including the DUI and the DPA. Only the DUI, SDSM, and VMRO-DPMNE submitted candidate lists for all electoral constituencies. Overall, candidate registration for parliamentary elections was inclusive and provided voters with a distinct choice. Although allowed by law, no independent candidate lists were submitted. In line with legal requirements, one in each consecutive three places on candidate lists was reserved for the less represented gender.

VIII. ELECTION CAMPAIGN

The campaign for the presidential election officially began on 24 March and ended at midnight on 11 April. However, candidates started meeting with citizens to present their electoral platforms before this date.²⁶ Although political activities may be conducted before the official start of the campaign, campaign provisions in the Electoral Code only apply to the activities of confirmed candidates during the official campaign period.²⁷ The campaign for the early parliamentary elections started on 5 April with a two-day interruption during the campaign silence period for the presidential election.

Campaign regulations should be applied in a manner that creates equal opportunities for contestants.

In the presidential campaign, both Mr. Ivanov and Mr. Pendarovski enjoyed high visibility. Mr. Halimi and Mr. Popovski attributed their less visible campaigns to a lack of financial resources. The DUI ran a campaign entitled “No to a one-sided president” to promote its aim of a consensual president and to appeal to ethnic-Albanians to refrain from voting in both rounds of the presidential election.²⁸

²⁶ In mid-March, Mr. Ivanov visited and campaigned in a number of towns and villages. On 23 March, he presented his election programme. On 16 March, Mr. Pendarovski held a 50-person campaign event in Prilep. On 21 March, the DPA held a rally with 350 people in Gostivar to promote and call on ethnic-Albanians to vote for Mr. Halimi.

²⁷ Article 2.13 of the Electoral Code stipulates that “election campaign is public presentation of the candidates, confirmed by the authorized election management bodies, and their programmes in the pre-election period of the respective election process”. Article 69a of the Electoral Code defines campaigning as “public gathering and other public events organised by the campaign participant, public display of posters, video presentations in public areas, electoral media and internet presentation, dissemination of printed materials and public presentation of confirmed candidates by official election bodies and their programmes.”

²⁸ DUI leader, Ali Ahmeti, in his campaign speeches, repeatedly encouraged the ethnic-Albanian community not to vote in order to prevent reaching the 40 per cent voter turnout requirement in the second round and thus require a repeat election. In addition, two domestic non-governmental organizations (NGOs), Wake Up (based in Skopje) and *Tradita* (based in Tetovo), ran their own campaigns calling for a boycott of the presidential election by ethnic-Albanians.

Both campaigns were lively with billboards and posters prevalent in all major cities. Candidates engaged in a vigorous schedule of rallies, with the VMRO-DPMNE and the SDSM holding rallies for both their presidential and parliamentary candidates at the same time.²⁹ Rallies observed by the OSCE/ODIHR EOM proceeded without disruption and were generally well-attended, although predominantly by men.³⁰ All candidates were able to campaign without obstruction. All parties and coalitions also held smaller events and conducted door-to-door campaigning as the main methods to reach voters. These measures were especially relied upon by the smaller and newer parties, which had fewer resources to mount large rallies. Candidates also used social media and websites as key tools to reach voters. For the parliamentary campaign, promotional materials were most visible for the leaders and list carriers of the major coalitions and parties – VMRO-DPMNE, SDSM and DUI – with fewer for the DPA, GROM, National Democratic Revival (NDR), and Alliance for a Positive Macedonia (APM). The campaigns for both the presidential and parliamentary contests were dominated by the VMRO-DPMNE, which had a notable advantage in campaign resources.

The main issues and priorities of presidential and parliamentary candidates included economic development, youth employment, the elimination of ethnic divisions, the resolution of the country's name issue, and accession to the European Union and North Atlantic Treaty Organization. The two governing parties, VMRO-DPMNE and DUI, increasingly appealed to their respective ethnic communities to give them the necessary mandates to strengthen their leverage and avoid having to make concessions in any future negotiations on forming the government.³¹ Mr. Pendarovski, however, did engage in some outreach to the ethnic-Albanian community by speaking some Albanian and displaying promotional campaign materials in Albanian at events in ethnic Albanian areas. Gender issues were not raised in campaign programmes.

While candidates' language was mostly moderate, continuous accusations of personal corruption within the ethnic blocs took the focus away from concrete issues and party platforms. In addition, speeches at DPA rallies increasingly featured inflammatory language about the DUI, particularly its leader. As the 27 April election day approached, the number of instances of damage to campaign offices increased.³²

The campaign period was overshadowed by numerous and persistent allegations from across the country of voter intimidation and pressure by state authorities. The OSCE/ODIHR EOM

²⁹ While Mr. Pendarovski campaigned independently of the SDSM during the first round of the presidential election, he appeared at SDSM rallies alongside the party leadership during the second round.

³⁰ The OSCE/ODIHR EOM observed 142 rallies. The average attendance rate of women at the rallies the OSCE/ODIHR EOM attended was approximately 27 per cent (GROM 70 per cent, VMRO-DPMNE 30 per cent, Alliance for Positive Macedonia (APM) 28 per cent, SDSM 26 per cent, NDR 25 per cent, DUI 13 per cent, and DPA 6 per cent).

³¹ The prime minister repeatedly called on ethnic-Macedonian voters to give the party a clear majority of at least 62 seats to avoid any further influence or blackmail from its coalition partner, the DUI. Meanwhile, the DUI asked its supporters to turn out in large numbers for the early parliamentary elections so that the party could win a maximum number of seats in order to improve their negotiating position.

³² Damage to the following offices was reported to the police: four SDSM offices in Prilep, Negotino, Makedonska Kamenica and Gjørče Petrov; three VMRO-DPMNE offices in Čair; one GROM office in Skopje; one DUI office in Prilep; and one APM office in Butel. Damage to the SDSM office in Čair was not reported to the police.

received a large number of credible reports that included pressure to attend campaign events;³³ pressure not to attend opponents' events;³⁴ and promises of or threats to state employment, including through the use of temporary contracts.³⁵ The OSCE/ODIHR EOM also noted claims that governing party activists requested civil servants to provide lists of identified voters, along with their personal identification numbers, who would vote for the party, and intimidation of small business owners with the threat of tax inspections.³⁶ This raised concerns about candidates' ability to campaign in a fair atmosphere, as well as voters' ability to cast their vote "free of fear of retribution," as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.³⁷ As well as a lack of differentiation between party campaigning and State activities, as per paragraph 5.4 of the 1990 OSCE Copenhagen Document.³⁸

Authorities should exhibit greater political will to ensure sufficient separation between State and political party activities and take vigorous steps to counter any forms of pressure on voters. Senior public officials could make clear statements and issue written instructions that no pressure on public employees will be tolerated and that no employee or citizen should fear for their employment or social services as a result of supporting or not supporting any political party or candidate. All instances and allegations of pressure and intimidation should be thoroughly investigated and prosecuted by the relevant authorities.

The OSCE/ODIHR EOM received credible accounts of DUI activists' appeal to ethnic-Albanian voters to refrain from voting in the presidential election, particularly in the first round, as well as threats against those who voted in the first round not to take a presidential ballot on 27 April.³⁹ The OSCE/ODIHR EOM also noted repeated and credible allegations of the major political parties promising or threatening to withhold social welfare benefits and vote-buying among economically disadvantaged and socially vulnerable groups, particularly the Roma and ethnic-Turk communities.

³³ At a GROM rally in Gjorce Petrov on 8 April, OSCE/ODIHR long-term observers were approached by civil servants looking to sign for their attendance. A teacher in Gostivar reported that colleagues had been told by their supervisor to participate in a DUI rally in Skopje and that the mayor wanted to see the list of people participating in the rally.

³⁴ The OSCE/ODIHR EOM was informed of pressure on public sector employees not to attend the campaign event of Mr. Pendarovski in Valandovo municipality.

³⁵ A teacher in Gostivar reported to the OSCE/ODIHR EOM that she was threatened by her supervisor with the loss of her job unless she resigned as an NDR candidate and defected to the DUI. A DPA representative in Lipkovo informed the OSCE/ODIHR EOM that he had been relocated from his place of work (as a public sector employee) during the elections for what he claimed were political reasons.

³⁶ The OSCE/ODIHR EOM received many reports that police were not investigating allegations of irregularities reported by opposition parties.

³⁷ Paragraph 7.7 of the 1990 OSCE Copenhagen Document states that "participating States must ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere... or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution."

³⁸ See also paragraph I.3.1a of the Venice Commission Code of Good Practice in Electoral Matters which provides that "[s]tate authorities must observe their duty of neutrality."

³⁹ The OSCE/ODIHR EOM received credible allegations of DUI pressure on ethnic-Albanian voters in the first round including: the presence of DUI supporters outside polling stations on 13 April telling people not to vote, and the presence of the Association of Citizens for Democratization and Raising Collective Awareness (VEPRO) observers inside polling stations taking photos and writing down the names of those who voted.

IX. CAMPAIGN FINANCE

Campaign finance is regulated by the Electoral Code and the Law on Political Party Financing, which provide for a mixture of public and private campaign financing. Amendments to the legal framework in January 2014 addressed some previous OSCE/ODIHR recommendations, including stipulating a clear ceiling for donations by legal entities and a requirement for electoral contestants to submit a financial report one day prior to the second round.⁴⁰

Electoral contestants are obliged to register unique tax numbers and to open separate bank accounts through which all campaign-related financial transactions must be conducted. Individuals may donate up to EUR 5,000 in the national currency,⁴¹ while legal entities may donate up to EUR 50,000.⁴² Goods and services sold at discount are considered in-kind donations and accounted for according to market prices. Anonymous donations are prohibited, as well as those from public or foreign sources, citizens' associations, and religious groups.

The spending limit for each electoral contestant is EUR 3 per registered voter. Contestants are reimbursed EUR 0.25 from the state budget for each vote received, provided that they obtained at least 1.5 per cent of the total number of votes cast. Campaign expenditures by third-parties, such as NGOs affiliated with parties, are not regulated and not subject to reporting or oversight, thereby providing a possible loophole to circumvent campaign finance regulations.⁴³

Campaigning by third-parties in the electoral process could be subject to campaign finance legislation.

Electoral contestants are required to submit two interim reports and a final report on their campaign expenditures to the SEC, State Audit Office (SAO), and the State Commission for Prevention of Corruption (SCPC). These reports are published, helping to build transparency and allow voters to make an informed choice before they cast their vote. While the Ministry of Finance provided a reporting template and trained political parties on how to complete them prior to elections, the new forms did not require candidates to itemize expenditures in detail. Without this breakdown, it is not possible to fully audit the reports. All interim reports were submitted by the contestants and published by the respective institutions in a timely manner.

To increase transparency and accountability, consideration could be given to itemizing incomes and expenditures in campaign finance reports, accompanied by full bank statements.

The final campaign finance reports are submitted within 30 days of the election and reviewed by the SAO within 60 days of submission. Oversight by the SAO is limited to auditing the

⁴⁰ See also, the Council of Europe's Group of States against Corruption (GRECO) Second Compliance Report, 20 May 2014.

⁴¹ EUR 1 equals MKD 61.

⁴² Previously, the OSCE/ODIHR recommended revising "the discrepancy in the nature of thresholds for campaign donations between individuals and legal entities."

⁴³ See Recommendation CM/Rec(2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organizations in Europe, at: <https://wcd.coe.int/ViewDoc.jsp?id=1194609>. Also see, Article 7.3 of the 2003 UN Convention against Corruption, and paragraphs 198-200 of the 2010 Venice Commission and OSCE/ODIHR Guidelines on Political Party Regulation.

information that is submitted to them by electoral contestants and the SAO does not have the means to investigate whether that information is accurate.

Consideration could be given to granting the SAO investigative powers to undertake full campaign finance audits, including the power to request further documentation and testimonies from parties to ensure a full review of any possible infringement.

There are no sanctions for failure to submit financial reports, although the SAO may ask the SEC to suspend reimbursement of expenditures to contestants from state funds, partially or totally, should it detect any irregularities. It may also initiate a misdemeanour procedure or report to the prosecutor within 30 days. However, there are no deadlines for the courts to decide on these violations. In addition, electoral stakeholders do not have the right to file complaints on campaign finance violations, contrary to international good practice.⁴⁴

The law should prescribe proportionate and dissuasive sanctions for the non-submission of campaign finance reports and other violations.

X. MEDIA

A. MEDIA ENVIRONMENT

The large number of media outlets in the country is divided along ethnic and political lines. Television is the primary source of political information in the country. Five commercial channels are broadcast nationally, of which two, *Sitel* and *Kanal 5*, hold dominant positions in the advertising market and receive the majority of advertisement revenues from the state. The public broadcaster, Macedonian Radio and Television (MRT), operates three channels nationally. MRT is funded through a broadcast tax imposed on households and legal entities, and it is also entitled to seek additional funds from the state budget whenever existing funds are insufficient. Three national radio stations and eight national daily newspapers also operate in the country, and the internet is frequently used as a source of political information.

Many OSCE/ODIHR EOM interlocutors expressed concerns about media independence, alleging that prominent media outlets are under the indirect control of the governing parties because of the state's position as the largest single advertiser. Media stakeholders also noted that self-censorship is practiced to secure state advertising and to avoid defamation lawsuits.

The Agency for Audio and Audiovisual Media Services (AVMS), which replaced the Broadcasting Council in 2013, is the supervisory body for the broadcast media. Currently, the AVMS consists of the 15 former members of the former Broadcasting Council. New members should have been appointed by the parliament, but the appointment process stalled due to its dissolution. The majority of AVMS members, including the chairperson, have no prior media or

⁴⁴ Paragraphs 232 and 233 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations provides that "legislation should define reasonable deadlines by which applications should be filed and decisions granted, with due respect to any special considerations arising from the substantive nature of the decision"... and "legislation should specify the procedures for initiating judicial review (appeal) of a decision affecting the rights of a political party. Legislation should also extend the right of judicial review of such decisions to persons or other parties that are affected by the decision."

broadcasting experience. This has raised concerns among OSCE/ODIHR EOM interlocutors over the professional capacity of the AVMS to carry out its duties.

It is recommended that AVMS members have prior media experience and are not primarily political appointees.

B. LEGAL FRAMEWORK

Coverage of the election campaign by media outlets is governed by the Electoral Code and the 2013 Law on Audio and Audiovisual Media Services, as well as instructions issued by the AVMS. The Electoral Code obliges broadcast media to cover elections in a fair, balanced and unbiased manner. During the election campaign, all presidential candidates are entitled to equal coverage, while electoral contestants in the parliamentary race are to be covered proportionally, based on the number of candidate lists they register. In addition, the Law on Audio and Audiovisual Media Services obliges all broadcasters to provide objective and unbiased coverage with equal treatment of diverse views and opinions.

The Electoral Code outlines detailed requirements for newscasts aired on MRT during election campaigns: one third of newscasts are to be devoted to local and international events, one third to the activities of the governing political parties, and one third to the activities of the parliamentary political parties in opposition.⁴⁵ The time devoted to the governing and opposition parties is based on the results of the previous parliamentary elections. Those political parties who do not have seats in parliament are not legally entitled to any coverage in the newscasts during an election campaign period, which is at odds with paragraph 7.8 of the 1990 OSCE Copenhagen Document.⁴⁶ Based on the recommendation of the AVMS, MRT allocated additional time in their newscasts to non-parliamentary parties and ethnic-Albanian parties.

The Electoral Code should be amended to provide access to the public broadcaster on a non-discriminatory basis to all electoral contestants.

MRT is not allowed to air paid political advertisements but is obliged to allocate time for free political presentations. The legal framework does not address the duration of allotted time or when it should be aired. For these elections, MRT decided to provide 10 minutes to every parliamentary party and 15 minutes to every presidential candidate before the first round of the presidential elections. Contrary to the Electoral Code, MRT did not provide presidential candidates with free time before the second round of the elections.

The AVMS is obliged to monitor broadcast media during the campaign period and to react to irregularities. AVMS' monitoring results for the first round presidential campaign identified a significant lack of quantitative balance on *TV Sitel*. However, the AVMS decided not to impose sanctions until the publication of its final report, which covered the entire campaign period for both elections. This is not in line with the Electoral Code that obliges the AVMS to initiate

⁴⁵ By law, the failure of the MRT to follow these requirements could result in the dismissal of the General Director of the MRT.

⁴⁶ Paragraph 7.8 of the 1990 OSCE Copenhagen Document requires that "no administrative or legal obstacle stands in the way of unimpeded access to the media on a nondiscriminatory basis for all political groupings and individuals willing to participate in the election process."

misdeemeanor procedures within three days of establishing a violation and does not provide effective remedy as noted in paragraph 5.10 of the 1990 OSCE Copenhagen Document.⁴⁷

In total, the AMVS identified 29 violations, involving 17 media outlets, primarily related to the publication of paid advertisements and public opinion polls, as well as campaigning during the silence period. Most violations were settled through imposing fines before review by the courts.

The AVMS should initiate misdemeanour procedures against identified violations in a timely manner in order to increase public confidence and provide complainants with effective remedy. Sanctions should be clearly defined and commensurate with the gravity of the violation committed.

C. MEDIA MONITORING RESULTS



The OSCE/ODIHR EOM conducted media monitoring of major broadcast and print media outlets during both campaign periods.⁴⁸ While all monitored media outlets provided extensive campaign coverage in the news, most of them except *Telma* and *Vesti 24*, displayed significant bias in favor of the governing parties both in terms of quantity and tone of coverage.

While MRT complied with the exact quantitative requirements set for political party and coalition coverage, the tone of such coverage differed. All contestants were covered in a largely neutral manner, except for the DUI, VMRO-DPMNE and Mr. Ivanov, who received positive coverage highlighting their achievements and future projects. Any negative news related to the VMRO-DPMNE party and the candidate it supported was largely disregarded.⁴⁹ One debate featuring all four presidential candidates was organized by MRT-1. The National Democratic Institute also organized several presidential and parliamentary debates; however, Mr. Ivanov and the VMRO-DPMNE decided not to participate.⁵⁰

Private channels *Kanal 5* and *Sitel* provided 46 to 51 per cent of mainly positive or neutral coverage to the VMRO-DPMNE and Mr. Ivanov in their newscasts. By contrast, SDSM and Mr. Pendarovski received 30 to 34 per cent of coverage that was mostly negative in tone. During the campaign for the first round of the presidential election, *Alfa* allotted similar proportions of time to Mr. Ivanov and Mr. Pendarovski; however, while the tone of the coverage of Mr. Ivanov was mainly positive or neutral, for Mr. Pendarovski it was mostly negative or neutral.

⁴⁷ Paragraph 5.10 of the 1990 OSCE Copenhagen Document provides that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.”

⁴⁸ The OSCE/ODIHR EOM conducted media monitoring from 11 March until 25 April. The monitoring included the pre-campaign period and both rounds of the presidential and the parliamentary elections. The OSCE/ODIHR EOM monitored the campaign coverage of *MRT-1*, *MRT-2*, *Sitel*, *Kanal 5*, *Alfa*, *Telma* and *Alsati-M* during prime time (18:00 to 24:00), and the two main newscasts on *Vesti 24* (20:00 and 22:00). In addition, the OSCE/ODIHR EOM monitored campaign coverage in five daily newspapers: *Dnevnik*, *Sloboden Pecat*, *Nova Makedonia*, *Koha* and *Lajm*.

⁴⁹ *MRT-1* used a similar approach when covering press conferences of the OSCE/ODIHR EOM, presenting only positive conclusions of the Preliminary Statement of Findings and Conclusions and omitting all critical remarks.

⁵⁰ *Telma*, *Vesti 24* and *Alsati-M* informed the OSCE/ODIHR EOM that Mr. Ivanov did not reply to their invitations to participate in debates or individual interviews.

During the campaign for the parliamentary elections, *Alfa* devoted about 50 per cent of its election-related coverage to the VMRO-DPMNE, which was mostly positive in tone. In contrast, the SDSM received 27 per cent of mainly negative coverage. Private channels *Telma* and *Vesti 24* provided more balanced coverage of the campaigns and devoted similar proportions of coverage to the VMRO-DPMNE and SDSM and their candidates. While the tone of the coverage was largely neutral on *Vesti 24*, *Telma* displayed a critical approach in the coverage of the government and VMRO-DPMNE. *Alsat-M* largely covered the campaigns in a neutral manner; however, it devoted more coverage to the DUI.

The OSCE/ODIHR EOM media monitoring identified a number of items broadcast on *Sitel*, *Kanal 5* and *Alfa* that were very similar in content, referring to unidentified or anonymous sources, which were biased against the SDSM. MRT, *Sitel*, *Kanal 5* and *Alfa* also devoted considerable coverage to the activities of ministers who were running as candidates, often in a positive manner, largely failing to distinguish between the coverage of these officials in their capacity as ministers and as candidates.

Broadcast media, especially public, should make further efforts to draw a clear distinction between official government activities of candidates and their campaign appearances.

Private broadcasters are entitled to sell up to 12 minutes per hour of paid political advertising, with each contestant limited to 8 minutes per hour. The SDSM and the Internal Macedonian Revolutionary Organization – People’s Party (VMRO-NP) complained to the OSCE/ODIHR EOM that when they attempted to purchase time on *Sitel* and *Kanal 5*, they were informed that most of the available time had already been purchased by other contestants. OSCE/ODIHR EOM monitoring indicated that during both election campaigns, on all private broadcasters monitored, about 62 hours of paid political advertisements were purchased by the VMRO-DPMNE and its presidential candidate: some 12.5 hours by GROM and its presidential candidate, 6.5 hours by the DUI, 5.5 hours by the SDSM and its presidential candidate, and 2 hours by the VMRO-NP.

In comparison to the broadcast media, print media outlets presented a wider variety of views. While *Dnevnik* and *Nova Makedonija* displayed clear support for the ruling VMRO-DPMNE and were largely critical of the SDSM, *Sloboden Pecat* was very critical of the government and VMRO-DPMNE and praised the SDSM. Both monitored Albanian language newspapers, *Koha* and *Lajm*, were focused on the activities of the ethnic-Albanian parties. While *Koha* displayed a clear support for the DUI, *Lajm* was critical of the DUI.

XI. COMPLAINTS AND APPEALS

Election-related complaints are heard by the SEC, the Basic Courts, the Courts of Appeal, and the Administrative Court. The Electoral Code extends the right to all electoral contestants to file complaints at various stages of the process, including on voter registration, candidate registration, campaigning, media coverage, and voting and tabulation. Voters have the right to file complaints only on voter registration and on violations of their voting rights on election day.⁵¹ In addition, some decisions of administrative bodies may not be appealed, including SEC

⁵¹ See section II.3.3.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters.

decisions on campaign violations, appeals against SCPC decisions on misuse of state resources, and appeals against SAO and SCPC decisions on campaign finance violations.⁵²

The SEC, SAO and SCPC are not entitled to impose sanctions but can forward the cases to the competent courts by initiating misdemeanour or criminal proceedings. There are no deadlines envisaged for adjudicating such cases, which does not fully guarantee effective redress as required by paragraph 5.10 of the 1990 OSCE Copenhagen Document.

The complaints procedure would benefit from an overall review in order to eliminate inconsistencies, gaps and deficiencies and provide effective legal redress. In particular, the law should grant every voter a right to file a complaint on every stage of the electoral process, provide the right of judicial appeal to all SEC, SAO and SCPC decisions, and define reasonable deadlines for the courts to decide on these cases.

Eight complaints were filed with the SEC concerning campaign activities taking place before the official start of the campaign.⁵³ In one case, the SEC upheld an SDSM complaint alleging that Mr. Ivanov had engaged in early campaigning on 14 March and initiated misdemeanour proceedings. All other complaints were rejected on the grounds that those who were campaigning had not yet been confirmed as candidates and therefore the campaign regulations did not apply to their activities.

Two complaints were filed with the SEC by the DUI and by the SDSM under a new Electoral Code provision allowing political parties to challenge entries in the voter lists after the end of the public scrutiny.⁵⁴ The SEC requested the MoIA to investigate, but the MoIA declined, claiming that it had already met its legal obligations. The SEC subsequently rejected the complaints. The SDSM and DUI appealed the decisions to the Administrative Court, which rejected the appeals based on information provided by the MoIA, without an independent investigation being conducted.

The SEC rejected 791 applications by voters requesting to be included in the voter lists for the early parliamentary elections in the Tirana DCO in Albania.⁵⁵ Of these, 640 appealed to the Administrative Court, which overturned the SEC decision, ruling that since the SEC had already confirmed that these voters met the criteria for voting out-of-country for the presidential election, the SEC could not now exclude them from the voter lists for the early parliamentary elections. After the inspection of the voter lists for the early parliamentary elections, the DUI filed a complaint with the SEC requesting that these same voters be removed from the voter lists because they were permanent residents in Albania. This complaint was rejected by the SEC and the Administrative Court based on the earlier rulings. A complaint by the SDSM to remove voters was also rejected at both levels.

⁵² Paragraph 18.4 of the 1991 OSCE Moscow document states that the OSCE participating States “will endeavour to provide for judicial review of such regulations and decisions.”

⁵³ Three were filed by the SDSM and one by the APM against the VMRO-DPMNE. Four were filed by the VMRO-DPMNE against the SDSM.

⁵⁴ The DUI requested the deletion of 453 citizens, all registered to vote at the Embassy in Albania. The SDSM challenged 14,492 names alleging that numerous voters were illegally registered with the same address, were deceased, had changed address, or left the country.

⁵⁵ These voters reside in Pustec, Albania, and are holders of dual citizenship.

There is no provision in the Electoral Code that allows for the filing of formal complaints at polling stations on election day. Instead, authorized representatives must register their ‘remarks’ about irregularities in the EB protocols after voting is completed. If the EB refuses to include the remarks in the protocol they can be registered with the MECs within five hours of the protocol’s signing. In addition, authorized representatives must file a formal complaint on the same matter with the SEC in order to have the matter heard and resolved. In line with a previous OSCE/ODIHR recommendation, the Election Code no longer requires the SEC to inspect voting materials, only if at least two complaints are submitted for a respective polling station.

Consideration should be given to allow citizens the possibility of filing complaints with the EBs, MECs or the SEC on election day, with a possibility of timely and effective remedy.

The police and the prosecutor informed the ODIHR/OSCE EOM that they dealt with some 90 election-related cases.⁵⁶ A number of OSCE/ODIHR EOM interlocutors expressed a lack of trust in the impartiality of the institutions responsible for dealing with election-related violations, including the police, prosecutor, and judiciary.

In order to increase confidence in the complaints and appeals system, investigation of electoral offences by police and prosecutors should be carried out in an unbiased and timely fashion to ensure its due process.

Complaints on the abuse of state resources and requests for the approval of new budgetary allocations are filed with the SCPC. Its sessions are not open, and its decisions are neither published nor subject to appeal. The SCPC informed the OSCE/ODIHR EOM that it dealt with some 1,200 requests by state institutions to increase or alter budgetary allocations after the elections had been called, mostly to do with the extension of employment contracts of public employees, which are prohibited by law.

The SCPC should consider reviewing cases in open sessions in reasonable legal deadlines. Decisions should be public and appealable.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Electoral Code provides for observation by citizen and international groups as well as authorized representatives of candidates and parties at all levels of the election administration. A total of 326 international observers registered with the SEC for the first round of the presidential election, increasing to 610 for the second round. Citizen observer groups also deployed a higher number of observers for the 27 April election day. The two non-governmental organizations (NGOs) with the greatest experience in observing elections, MOST and CIVIL, registered 2,413 and 113 observers, respectively. On 27 April, MOST deployed static observers in every second polling station and conducted a parallel tabulation of the election results. In line with a prior OSCE/ODIHR recommendation, all observers were entitled to receive copies of the MEC and EB results protocols.

⁵⁶ This included 12 cases of vandalism of campaign offices, 15 cases of violation of campaign silence, as well as cases of voter intimidation, voters taking photographs of their marked ballots, and physical assaults. Some cases were sent to the prosecutor.

The NGO Association for Humanitarian Activities (SINERGIJA) registered 5,050 observers and the Association of Citizens for Democratization and Raising Collective Awareness (VEPRO) 2,321 observers. Many OSCE/ODIHR EOM interlocutors raised concerns that, in their opinion, SINERGIJA was associated with the VMRO-DPMNE, while VEPRO was linked with the DUI and its boycott of the presidential election.⁵⁷

XIII. ELECTION DAY

A. FIRST ROUND OF VOTING

Early voting on 12 April was conducted for homebound voters, prisoners and internally displaced people. In the limited number of cases observed by the OSCE/ODIHR EOM, the procedures were generally followed and voting proceeded in a calm and orderly manner. Several MECs raised concerns about the stricter eligibility requirements imposed by the SEC for homebound voting, which resulted in several MECs rejecting applications. In some instances of, the secrecy of the vote was not always respected as EB members observed voters marking their ballots. During voting at prisons, the OSCE/ODIHR EOM observed several instances of prisoners with valid IDs denied the right to vote because they were not included in the voter lists. There are no procedures in place to enable eligible voters who have not been registered prior to the closing of voter lists to be added to voter lists.⁵⁸

On election day, the voting process was smooth and efficiently administered in the limited number of polling stations visited by the OSCE/ODIHR EOM. However, in one municipality a greater number of irregularities were noted.⁵⁹ The vote count was carried out in a professional and transparent manner and results were announced in a timely manner. The voter turnout was significantly lower in ethnic-Albanian areas,⁶⁰ with many OSCE/ODIHR EOM interlocutors attributing this to DUI's call on ethnic-Albanian voters not to vote in the presidential election. In light of the DUI boycott, marking the voter's thumb with black ink instead of invisible ink was criticised by some OSCE/ODIHR EOM interlocutors as it was clearly evident whether a person had voted or not, thereby heightening the possibility of voter intimidation.

B. SECOND ROUND OF VOTING

In general, early voting on 26 April proceeded in a transparent manner and procedures were followed. The overall assessment by the OSCE/ODIHR EOM was positive in 88 out of 94 observations. However, the secrecy of the vote was not ensured in 16 out of 95 cases. As in the

⁵⁷ The OSCE/ODIHR EOM observed VEPRO observers in the polling stations on 13 April, but not on 27 April when authorized representatives from the DUI were present.

⁵⁸ Section 1.2.iv of the 2002 of the Venice Commission Code of Good Practice in Electoral Matters recommends that "there should be an administrative procedure – subject to judicial control – or a judicial procedure, allowing for the registration of a voter who was not registered."

⁵⁹ In Šuto Orizari, where, in addition, an altercation between former member of parliament Radmila Šekerinska, vice-president of the SDSM, and former member of parliament Amdi Bajram, president of the "Union of Roma of Macedonia" was reported.

⁶⁰ In municipality of Čair the turnout was 20.2 per cent and in Tetovo it was 24.8 per cent. In polling station 0815 in Kičevo municipality, none of the 844 registered voters voted.

first round of the presidential election, several instances of prisoners with valid IDs being denied the right to vote because they were not included on the voter list were observed.

Election day was conducted in a smooth and professional manner, although some technical irregularities were noted throughout the day. The OSCE/ODIHR EOM observed the opening in 104 polling stations, the voting in 1070 polling stations, and the closing and counting in 99 polling stations. Authorized representatives of political parties and candidates were present in 90 per cent of the polling stations and citizen observers were present in 54 per cent of polling stations observed during opening, and in 97 per cent and 67 per cent of polling stations observed during voting. Women lead 47 per cent of polling stations observed, and generally they were well represented among EB members. The voter turnout was 63 per cent for the parliamentary elections and 54 per cent for the presidential election. The lower turnout in the presidential election was, as in the first round, largely attributed to the boycott and appeal to ethnic-Albanian voters by the DUI not to vote in the presidential election.

The OSCE/ODIHR EOM had unrestricted and full access during the opening of polling stations and the process was assessed positively in 97 per cent of observations. Nonetheless, some procedural irregularities were observed, including ballot boxes not being shown to observers prior to their sealing in 15 cases, and protocols not being completed prior to the opening of the polling station in 14 cases.

In a positive overall assessment of voting, the process was evaluated as good or very good in 96 per cent of observations, and transparent in 97 per cent of observations. The performance of the EBs and their understanding of voting procedures were assessed positively in 95 per cent of observations. However, many EBs did not follow the SEC instruction to advise voters that they could vote in either both or only one of the elections taking place. In the ethnic-Albanian areas, voters were discouraged by EB members from taking the presidential ballot in line with the DUI call for a boycott of this election, thereby putting in question the impartiality of the election administration.⁶¹ In the ethnic-Macedonian areas, voters were automatically given both ballots. Prior to election day, the SEC also issued an instruction that changed the legal requirement of marking the right thumb of the voter to marking the voter's left thumb, as many voters still had traces of ink on their right thumbs from the first round.

The most frequent irregularity observed during the voting was group voting, observed in some eight per cent of the polling stations. The OSCE/ODIHR previously recommended that the SEC could provide more voter information and education regarding group voting, and the secrecy of the vote. OSCE/ODIHR EOM observers also reported groups of people hanging around outside of many polling stations and, in many cases, recording the names of voters who had voted, which created an intimidating atmosphere around polling stations where this was observed.

The overall assessment of counting was positive in 84 out of 94 observations. Although procedural irregularities were reported in 17 cases, they did not affect the overall conduct of

⁶¹ Paragraph 20 the 1996 UNHRC General Comment No. 25 to the ICCPR provides that "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially."

elections.⁶² The process was transparent and international observers had an unrestricted view of the count in all observed polling stations. In 8 polling stations, some EB members refused to sign the protocol. In addition, in 37 polling stations the EB did not publicly display a copy of the results protocol, as required by law, which undermined an important transparency requirement.

C. TABULATION AND ANNOUNCEMENT OF RESULTS

During the 13 April election, the tabulation process was generally well organized in the few MECs visited by the OSCE/ODIHR EOM. Although there were many small discrepancies in the EB results protocols, they were technical errors that were corrected by the MECs after verification of the election materials.

On 27 April, the OSCE/ODIHR EOM observed the tabulation in 76 out of 80 MECs and assessed the process positively in all but one case. Serious discrepancies in EB protocols were noted in 11 cases but these were corrected by the MECs after verification of the election materials. Authorized political party and candidate representatives were present in 99 per cent of the MECs observed, and citizen observers were present in 93 per cent of observed tabulations.

The SEC started announcing the results as they received them from the MECs on election night on their website, broken down by district and polling station, in line with a previous OSCE/ODIHR recommendation. This was a positive measure to increase transparency.⁶³

The turnout for each round of the presidential election was 48 and 54 per cent, respectively. Mr. Ivanov won in the second round with 55 per cent of the vote to Mr. Pendarovski's 41 per cent. The turnout for the parliamentary elections was 62 per cent. Out of 123 seats in the parliament, the VMRO-DPMNE won 61 seats; SDSM, 34; DUI, 19; DPA, 7; GROM, 1; and NDR, 1.

Immediately after the polls closed, the SDSM party leader Zoran Zaev announced that the party and its coalition would not recognize the results of either the presidential or parliamentary elections, demanding that new elections be held and that a technocratic government be formed.⁶⁴ The executive board of the SDSM subsequently confirmed that the party and its coalition partners would not take up their seats in the new parliament.⁶⁵

On 2 May, the SEC officially confirmed the re-election of the incumbent President. The members nominated to the SEC by the DUI and the two nominated by the SDSM did not attend the meeting. The SEC announced the final results for the parliamentary elections on 6 May, and officially distributed mandates on 7 May. The SDSM candidates did not accept their mandates.

⁶² For example, according to the SEC instructions, EBs had to draw lots for choosing the member who takes the ballots out of the ballot box. In many instances, that decision was instead taken by EB members.

⁶³ By 10:00 on 28 April, the results from all polling stations, including results from the voting abroad, were posted on the SEC website.

⁶⁴ Mr. Zaev stated that voters were prevented from voting freely and accused the VMRO-DPMNE of "abusing the entire state system with threats and blackmail and the massive buying of voters."

⁶⁵ In addition, the NDR announced that they would not recognize the results of the early parliamentary elections and the DUI announced that they do not recognize the results of the vote for the three diaspora seats.

XIV. POST-ELECTION DAY COMPLAINTS AND APPEALS

No complaints were filed after the 13 April elections. Following the 27 April elections, remarks were registered by the SDSM authorized representatives with EBs and MECs on irregularities in some 260 polling stations on election day.⁶⁶ In some cases, party representatives were not allowed to register remarks with the EBs, while at other times they were allowed to register them only in the EB logs rather than the EB protocols. In some cases, MECs did not accept the registration of remarks that had already been refused by the EBs.

The SEC received 12 complaints after election day and rejected all of them.⁶⁷ Ten of these rejections were appealed to the Administrative Court, which upheld the SEC decisions. The complaints requested annulment of voting in 71 polling stations for violation of secrecy of the vote, group voting, proxy voting, election day campaigning, and pressure on voters. The SDSM did not file any formal complaints on the basis of remarks made in EB protocols because of its decision not to recognize the results of either election.

XV. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections and to support efforts to bring them fully in line with OSCE commitments and other international obligations for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of the former Yugoslav Republic of Macedonia to further improve the electoral process and to address the recommendations contained in this and previous reports.⁶⁸

A. PRIORITY RECOMMENDATIONS

1. Authorities should exhibit greater political will to ensure sufficient separation between State and political party activities and take vigorous steps to counter any forms of pressure on voters. Senior public officials could make clear statements and issue written instructions that no pressure on public employees will be tolerated and that no employee or citizen should fear for their employment or social services as a result of supporting or not supporting any political party or candidate. All instances and allegations of pressure and intimidation should be thoroughly investigated and prosecuted by the relevant authorities.
2. It is recommended to lift the residency requirement to be a presidential candidate.

⁶⁶ Including some 58 cases of voters being registered by party observers, 51 cases of campaigning inside or in front of polling stations, 18 cases of public voting or displaying of ballots, 17 cases of reported ink removal, 13 cases of group voting, 12 cases of ID addresses not matching those on the voter list, 12 cases of voters being registered in only one voter list (presidential or parliamentary), 8 cases of voters taking pictures of their ballots, 7 cases of reading out the names of those who voted.

⁶⁷ Six from DUI, four from DPA and two from GROM; most were rejected because no remarks had been registered in EB protocols.

⁶⁸ In paragraph 24 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.”

3. The current system of allocation of mandates in out-of-country electoral constituencies should be reviewed in order to ensure that each member of parliament represents a similar number of registered voters and that the principle of equal suffrage is respected.
4. The Electoral Code should be amended to address the gaps and ambiguities identified in this report, as well as previous reports of the OSCE/ODIHR and the Venice Commission. Reform should be inclusive and completed well in advance of the next elections.
5. The SEC should resolve all complaints and appeals in an impartial manner, free from political considerations. The law should be interpreted, implemented, and enforced in line with the intent of the law. In addition, the SEC should consider establishing a legal department, as provided for by the Electoral Code.
6. The complaints procedure would benefit from an overall review in order to eliminate inconsistencies, gaps and deficiencies and provide effective legal redress. In particular, the law should grant every voter a right to file a complaint on every stage of the electoral process, provide the right of judicial appeal to all SEC, SAO and SCPC decisions, and define reasonable deadlines for the courts to decide on these cases.

B. OTHER RECOMMENDATIONS

Legal Framework

7. Existing legislative safeguards in the Electoral Code should be interpreted in a way to prevent potential conflicts of interest between executive government positions requiring neutrality and candidates pursuing political advantage. Such provisions should be expanded to include enforcement mechanisms.

Electoral System

8. The 40 per cent turnout requirement for the second round could be reconsidered and removed since it has the potential to lead to cycles of failed elections.

Election Administration

9. Consideration should be given to enhancing the resources of the SEC secretariat to ensure it has sufficient capacity to undertake its duties in an efficient manner.

Voter Registration

10. The Electoral Code should be revised to provide a clear division of responsibilities between the MoIA and the SEC related to challenges to voter lists. Authorities should be obliged by law to investigate such challenges within a reasonable time frame.
11. While ensuring that strict requirements are maintained to qualify for alternative voting methods, consideration could be given to simplifying procedures so as to allow

hospitalized voters, homebound voters, and those with reduced mobility to exercise their right to vote without unreasonable obstacles.

12. Consideration should be given to conducting a review of the procedures for compiling and maintaining voter lists. Clear, co-ordinated, and transparent procedures for all institutions involved in updating the voter lists would enhance accuracy and could contribute to public confidence.

Candidate Registration

13. Consideration could be given to providing alternative methods for signature collection in order to reduce the potential for intimidation. In addition, in line with a previous recommendation, restriction that citizens may sign for only one candidate for each election could be reconsidered.

Election Campaign

14. Campaign regulations should be applied in a manner that creates equal opportunities for contestants.

Campaign Finance

15. Campaigning by third-parties in the electoral process could be subject to campaign finance legislation.
16. To increase transparency and accountability, consideration could be given to itemizing incomes and expenditures in an itemized manner in campaign finance reports, accompanied by full bank statements.
17. Consideration could be given to granting the SAO investigative powers to undertake full campaign finance audits, including the power to request further documentation and testimonies from parties to ensure a full review of any possible infringement.
18. The law should prescribe proportionate and dissuasive sanctions for the non-submission of campaign finance reports and other violations. In addition, consideration could be made to amend the legislation allowing all electoral stakeholders to file complaints on campaign finance violations.

Media

19. It is recommended that AVMS members have prior media experience and are not primarily political appointees.
20. The Electoral Code should be amended to provide access to the public broadcaster on a non-discriminatory basis to all electoral contestants.
21. The AVMS should initiate misdemeanour procedures against identified violations in a timely manner in order to increase public confidence and provide complainants with

effective remedy. Sanctions should be clearly defined and commensurate with the gravity of the violation committed.

22. Broadcast media, especially public, should make further efforts to draw a clear distinction between official government activities of candidates and their campaign appearances.

Complaints

23. In order to increase confidence in the complaints and appeals system, investigation of electoral offences by police and prosecutors should be carried out in an unbiased and timely fashion to ensure its due process.
24. The SCPC should consider reviewing cases in open, public sessions in reasonable legal deadlines. Decisions should be public and appealable.
25. Consideration should be given to allow citizens the possibility of filing file complaints with the EBs, MECs or the SEC on election day, with a possibility of timely and effective remedy.

ANNEX: FINAL RESULTS⁶⁹

Presidential Election Results				
Total number of registered voters	1,779,572			
Candidate	Round 1		Round 2	
	votes	per cent	votes	per cent
Gjorge Ivanov	449,442	51.69	534,910	55.28
Iljaz Halimi	38,966	4.48	398,077	41.14
Stevo Pendarovski	326,164	37.51	–	–
Zoran Popovski	31,368	3.61	–	–
Total number of invalid votes	23,667	2.72	34,707	3.59
Total number of votes	869,547	48.86	967,694	54.38
Early Parliamentary Elections Results				
Total number of registered voters	1,780,128			
Parties/Coalitions	votes	per cent	seats	
Social Democratic Union of Macedonia	283,955	25.34	34	
Democratic Party of Albanians	66,393	5.92	7	
Coalition Dignity for Macedonia	9,265	0.83	0	
Democratic Union for Integration	153,646	13.71	19	
Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity	481,615	42.9	61	
New Democratic Revival	17,783	1.59	1	
National Movement for Macedonia	1,925	0.17	0	
Coalition GROM	31,610	2.82	1	
Coalition for Positive Macedonia	10,566	0.94	0	
Internal Macedonian Revolutionary Organization–People's Party	16,772	1.50	0	
Social Democratic Party of Macedonia	4,700	0.42	0	
Party for Economic Change 21	1,281	0.11	0	
Party for Democratic Prosperity	385	0.03	0	
Party for European Future	3,194	0.28%	0	
Total number of invalid votes	37,654	3.35%	–	
Total number of votes	1,120,744	62.96%	–	

⁶⁹ Data according to final results published at: www.sec.mk.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).